

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BENJAMIN J. WHERRY,

Plaintiff,

v.

WARDEN SHERMAN, et al.,

Defendants.

Civil Action No. 06-100 Erie

**MEMORANDUM ORDER**

This motion for leave to proceed in forma pauperis was received by the Clerk of Court on June 21, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 15], filed on June 23, 2006, recommended that Plaintiff's motion be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 24<sup>th</sup> day of July, 2006;

IT IS HEREBY ORDERED that Plaintiff's motion for leave to proceed in forma pauperis [Doc. No. 14] is DENIED.

The Report and Recommendation [Doc. No. 15] of Magistrate Judge Baxter, filed on June 23, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge